

PATENT
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Application No. 10/632,882

REMARKS

Claims 1 - 45 are in the case. Claims 46-50 have been cancelled without prejudice.

The applicants have studied the Office Action dated August 30, 2006 and have made the changes believed appropriate to place the application in condition for allowance. Reconsideration and reexamination are respectfully requested.

Applicants acknowledge with thanks the indication of allowability for claims 25-45.

Claims 1-8 and 13-24 have been rejected under 35 USC 102(e) as being anticipated by US 2005/0006222 to Ding et al. This rejection is respectfully traversed.

The present application claims priority to provisional application 60/400,097 filed August 1, 2002. It is respectfully submitted that Claims 1-8 and 13-24 are fully supported by the provisional application 60/400,097 as filed August 1, 2002. However, the application Serial No. 2005/0006222 to Ding et al cited by the Examiner is the national stage of PCT application No. PCT/US02/36940 filed November 14, 2002. It is noted that the Examiner has not cited any of the applications upon which application Serial No. 2005/0006222 to Ding et al itself claims priority. In that the filing date of the cited application Serial No. 2005/0006222 to Ding et al is later than the filing date of the provisional application 60/400,097 upon which priority has been claimed in the present application, it is respectfully submitted that the rejection of the claims based upon the cited application Serial No. 2005/0006222 to Ding et al should be withdrawn.

Claims 1-8 and 13-24 have been rejected under 35 USC 102(e) as being anticipated by US 2005/0255691 to Ding et al. This rejection is respectfully traversed.

The cited application 2005/0255691 to Ding et al was filed July 19, 2005 as a continuation of the application Serial No. 2005/0006222 to Ding et al discussed above. It is respectfully submitted that the rejection of the claims based upon the cited application 2005/0255691 to Ding et al should be withdrawn for the reasons set forth above with respect to application Serial No. 2005/0006222 to Ding et al.

Claims 1-8 and 13-24 have been rejected under 35 USC 103(a) as being unpatentable over US 2003/0116427 in view of US 2005/0006222. This rejection is respectfully traversed.

The Examiner has cited application Serial No. 2005/0006222 to Ding et al as teaching "an auxiliary magnetic field." However, as set forth above, because the filing date of the cited application

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Serial No. 2005/0006222 to Ding et al is later than the filing date of the provisional application 60/400,097 upon which priority has been claimed in the present application, it is respectfully submitted that the rejection of the claims based upon the cited application Serial No. 2005/0006222 to Ding et al, either alone or in combination with the application Serial No. 2003/0116427 should be withdrawn.

It is the understanding of the undersigned that the subject matter claimed herein was commonly owned at the time all inventions covered herein were made.

Additionally, claims 1-8 and 13-24 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of copending application no. 10/495,506. This rejection is respectfully traversed. However, in order to expedite prosecution, a terminal disclaimer with respect to copending application no. 10/495,506 is filed concurrently herewith. It is therefore respectfully submitted that the rejection of the claims on the basis of double patenting should be withdrawn.

Finally, claims 9-12 have been objected to as being dependent upon a rejected base claim, but considered allowable if rewritten. Claims 9-12 depend from claim 1 which has been shown to be allowable as set forth above. It is therefore respectfully submitted that the objection to claims 9-12 should be withdrawn.

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In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is earnestly solicited.

Respectfully submitted,

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Date: February 28, 2007

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